

Exhibit 1

From: Kristopher Davis kdavis@raklaw.com

Subject: Re: Headwater v. Samsung (2:23-cv-103): Proposed Deadline Extension

Date: September 9, 2024 at 2:04 PM

To: Katie Prescott prescott@fr.com

Cc: [SERVICE FR] Samsung-Headwater SERVICEFRSamsung-Headwater@fr.com, qe-headwater103@quinnemanuel.com, Jonathan Bright jbright@fr.com, Sara Fish sfish@fr.com, melissa@gillamsmithlaw.com, headwater@raklaw.com, James Pickens jpickens@raklaw.com

KD

Thanks, Katie. We will get these on file with the updated signature block you provided.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Sep 9, 2024, at 12:44 PM, Katie Prescott <prescott@fr.com> wrote:

Kris – Samsung agrees, thanks for preparing.

Katherine D Prescott

Principal ■ Fish & Richardson P.C.

T: 650 839 5180 | prescott@fr.com | [Bio](#)

From: Kristopher Davis <kdavis@raklaw.com>

Sent: Sunday, September 8, 2024 7:02 PM

To: Katie Prescott <prescott@fr.com>

Cc: [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>; qe-headwater103@quinnemanuel.com; Jonathan Bright <jbright@fr.com>; Sara Fish <sfish@fr.com>; melissa@gillamsmithlaw.com; headwater@raklaw.com; jpickens@raklaw.com

Subject: Re: Headwater v. Samsung (2:23-cv-103): Proposed Deadline Extension

Thanks, Katie. We can agree to those terms with one addition. Since we are shifting the rebuttal deadline by 11 days, we think it's reasonable to shift the opening deadline by 10 days (or 11 days if Samsung prefers that instead). Below is a listing of the proposed deadline changes, and attached are a draft motion and amended DCO. Please let us know whether Samsung has any proposed changes.

- **Motions to Compel**

- Sept. 10 (no change)

- **Fact DCO**

- Current — Sept. 10

- New deadline — Sept. 20 (+10 days)
- **Opening reports**
 - Current — Sept. 16
 - New deadline — Sept. 26 (+10 days)
- **Rebuttal reports**
 - Current — Oct. 3
 - New deadline — Oct. 14 (+11 days)
- **Expert DCO**
 - Current — Oct. 15
 - New deadline — Oct. 21 (+6 days)
- **MSJ/Daubert**
 - Oct. 25 (no change)

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KD

From: Kristopher Davis kdavis@raklaw.com 
Subject: Re: Headwater v. Samsung (2:23-cv-103): Proposed Deadline Extension
Date: September 8, 2024 at 7:02PM
To: Katie Prescott prescott@fr.com
Cc: [SERVICE FR] Samsung-Headwater SERVICEFRSamsung-Headwater@fr.com, qe-headwater103 qe-headwater103@quinnemanuel.com, Jonathan Bright jbright@fr.com, Sara Fish sfish@fr.com, melissa@gillamsmithlaw.com, headwater@raklaw.com, James Pickens jpickens@raklaw.com

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 - Oct. 25 (no change)

240909 Joint Motion to Amend
DCO (EDTX-103).docx

46 KB



240909 Proposed Order (EDTX-
103).docx

41 KB



Regards,
Kris

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kdavis@raklaw.com

On Sep 7, 2024, at 2:21 PM, Katie Prescott <prescott@fr.com> wrote:

Kris

Thank you for attempting to find a workable schedule and agreeing to withdraw the deposition notice to Mr. Jay Kim.

With a small adjustment to the rebuttal report deadline from a Friday (Oct. 11) to a Monday (Oct. 14) due to scheduling issues, and Headwater's agreement that Headwater will not use the

discovery extension (i) to attempt to add new accused features into the -103 case (e.g., via a motion to supplement its infringement contentions), which Headwater attempted, and the Court denied, in the -422 case, (ii) to issue further deposition notices or subpoenas, (iii) or to file motions to compel after the current deadline of September 10, Samsung could agree to the proposed schedule.

Please let us know whether Headwater agrees?

Regards,
Katie

Katherine D Prescott
Principal ■ Fish & Richardson P.C.

T: 650 839 5180 | prescott@fr.com | [Bio](#)

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Friday, September 6, 2024 12:39 PM
To: Katie Prescott <prescott@fr.com>
Cc: [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>; qe-headwater103 <qe-headwater103@quinnmanuel.com>; Jonathan Bright <jbright@fr.com>; Sara Fish <sfish@fr.com>; melissa@gillamsmithlaw.com; headwater@raklaw.com; jpickens@raklaw.com
Subject: Re: Headwater v. Samsung (2:23-cv-103): Proposed Deadline Extension

Katie,

Thanks for your feedback on this. We don't think moving trial would be necessary under the prior proposal but want to address the concerns raised with some modifications to our prior proposal. To address the concern about the Chuseok holiday timing, we could agree to take SeungHo Song's deposition on Sept. 11, 12, or 13 and, to simplify scheduling further, could agree to withdraw our notice of deposition for Jay Kim. To address the case schedule concerns (e.g., to build in more time between expert DCO and dispositive/Daubert motions), we propose the following modified dates. Please let us know as soon as possible whether Samsung agrees or if you'd like to discuss.

- **Fact DCO**
 - Current — Sept. 10
 - Prior proposal — Sept. 20 (+10 days)
 - **New proposal — Sept. 20 (+10 days)**
- **Opening reports**
 - Current — Sept. 16
 - Prior proposal — Sept. 26 (+10 days)
 - **New proposal — Sept. 24 (+8 days)**
- **Rebuttal reports**

- Current — Oct. 3
- Prior proposal — Oct. 13 (+10 days)
- New proposal — Oct. 11 (+8 days)
- **Expert DCO**
 - Current — Oct. 15
 - Prior proposal — Oct. 24 (+9 days)
 - New proposal — Oct. 21 (+6 days)
- **MSJ/Daubert**
 - Oct. 25 (no change)

Regards,
Kris

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kdavis@raklaw.com

On Sep 5, 2024, at 7:30 PM, Katie Prescott <prescott@fr.com> wrote:

Counsel,

Setting aside that we disagree with your stated reasons for why an extension is necessary, conceptually Samsung is not opposed to an extension of the fact and expert schedule. That said, the particular proposed schedule is unworkable. For example, your proposed deadline for rebuttal reports falls on a Sunday (Oct. 13) and your proposed deadline for the close of expert discovery is only one day before the deadline for dispositive/Daubert motions, which provides inadequate time to account for expert testimony in such motions. Moreover, mid-September is the Chuseok holiday season in Korea.

Given the compression in the current schedule, we do not see a viable way to extend fact discovery without shifting the trial date. In light of these concerns, does Headwater have an alternative proposal? Would Headwater consider a joint request to move the trial date to allow for a more orderly extension of the fact and expert discovery schedule?

Regards,

Katie

Katherine D Prescott

Principal ■ Fish & Richardson P.C.

T: 650 839 5180 | prescott@fr.com | [Bio](#)

From: Kristopher Davis <kdavis@raklaw.com>

Sent: Thursday, September 5, 2024 3:54 PM

To: [SERVICE FR] Samsung-Headwater <SERVICEFRSamsung-Headwater@fr.com>; qe-headwater103 <qe-headwater103@quinnmanuel.com>; Jonathan Bright <jbright@fr.com>; Sara Fish <sfish@fr.com>; Katie Prescott <prescott@fr.com>; melissa@gillamsmithlaw.com

Cc: headwater@raklaw.com; jpickens@raklaw.com

Subject: Re: Headwater v. Samsung (2:23-cv-103): Proposed Deadline Extension

[This email originated outside of F&R.]

Counsel for Samsung,

Please let us know today whether Samsung agrees to the proposed extension or has any different proposal. If Samsung does not agree, please provide your availability to meet and confer tomorrow regarding a proposed motion for extension of these deadlines.

Regards,

Kris

Kristopher Davis

Russ August & Kabat

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Los Angeles, CA 90025

(310) 826-7474

kdavis@raklaw.com

On Sep 3, 2024, at 12:43 PM, James Pickens <jpickens@raklaw.com> wrote:

Counsel,

Headwater believes that a modest extension to the deadlines for Fact Discovery (current deadline: September 10), Opening Expert Reports (current deadline: September 16) and Initial Expert Reports

Reports (current deadline: September 10) Rebuttal Expert Reports (current deadline: October 3), and Deadline to Complete Expert Discovery (current deadline: October 15) is necessary in this case. A number of depositions are still being scheduled which necessitates the extension. Samsung intends to proceed with Mr. Modlin's deposition, who is first available September 19. Headwater has noticed several depositions for which Samsung has yet to provide availability, including Jay Kim, Seungho Song, and James Kolotouros. Google is making its deponent available September 10. There are also numerous ongoing document productions that merit an extension. For example, assuming Samsung makes the noticed witnesses available on or before September 20, then a 10-day extension to the deadlines would be necessary. In such a scenario, new deadlines could be: Fact Discovery September 20, Opening Expert Reports September 26, Rebuttal Expert Reports October 13, and Deadline to Complete Expert Discovery October 24. Please provide your position on an extension to the deadlines (and a joint motion to amend, consistent with what the parties filed as Docket Number 110) no later than Noon on Wednesday, 9/4.

Regards,
James

James Pickens

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